



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



FEB 22 2011

## PEP - ENVIRONMENTAL STATEMENT MEMORANDUM NO. ESM 11-2

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director  
Office of Environmental Policy and Compliance

Subject: Procedures for Approving and Filing Environmental Impact Statements

### 1. Purpose and Scope

This memorandum prescribes procedures for filing environmental impact statements (EISs) with the Environmental Protection Agency (EPA). It pertains to both draft and final EISs and both delegated and non-delegated EISs. This memorandum is issued pursuant to 43 CFR 46.415, and supplements 516 DM 3.3.

### 2. Delegated EISs

A delegated EIS is one for which the decision authority on the proposed action is delegated to a single Assistant Secretary or a subordinate officer.

### 3. Non-Delegated EISs

A non-delegated EIS is one for which the decision authority on the proposed action requires the approval of more than one Assistant Secretary (or bureaus under more than one Assistant Secretary), OR is an EIS reserved or elevated to the Secretary (or Office of the Secretary) by expressed interest of the Secretary, Deputy Secretary, the Chief of Staff, the Solicitor or the Assistant Secretary for Policy, Management and Budget, OR is of a highly controversial nature or one in which the Secretary has taken a prominent public position in a highly controversial issue, OR faces a high probability of judicial challenge to the Secretary.

### 4. Notification

a. As early as possible in the NEPA compliance process for all proposed departmental programs and projects, a bureau or office will notify the Office of Environmental Policy and Compliance (OEPC) of its determination under sections 2 and 3 above. Bureaus will also notify OEPC when EISs are required for proposals where the determination of delegated vs. non-delegated is unclear.

b. The responsible bureau or office decides whether a particular EIS is delegated or non-delegated. OEPC may advise the bureau or office and the Assistant Secretary/Policy, Management and Budget (AS/PMB) on the bureau or office decision.

c. If OEPC does not concur with the determination, OEPC will advise the bureau or office in writing setting forth its reasons for the non-concurrence. When the determination is unclear, OEPC will advise the bureau or office in an effort to assist them in making the determination.

d. Bureaus and offices will make this determination no later than the filing of a Notice of Intent (NOI) and/or the conducting of scoping meetings.

5. Procedures for Delegated EISs

a. Assistant Secretaries, bureaus or offices, upon approval of a delegated EIS, but before its release to EPA and the public, are to contact OEPC by telephone and inform it of the title of the EIS, the date of its transmittal, and the URL for the project site. OEPC will assign the document a Department of the Interior (DOI) control number and log it, as well as place it in the OEPC on-line environmental review database at: <http://www.doi.gov/oepc/review.html>. Control numbers will only be given to authorized bureau personnel involved with the processing of the EIS. Control numbers will not be given to unauthorized persons such as contractors, joint lead agencies, or cooperating agencies. Control numbers should be secured as late as practicable, but prior to filing with EPA. Control numbers shall be stamped or written in ink on the outside cover of all copies transmitted to EPA and Interior bureaus and offices, and included in any electronically-published versions of the document.

b. Before calling for a DOI control number, a bureau or office should determine the exact status of the printing job. If the documents are printed and mailed, or waiting to be mailed from the printer, the bureau or office should request a number. If the documents are printed and in transit back to the bureau or office for mailing, the bureau or office should wait until the documents are ready for mailing to request a control number. If the document has not yet been given to the printer, a control number should not be reequested.

c. At the time of transmittal to EPA, Assistant Secretaries, bureaus, and offices will file delegated EISs directly with EPA and publish separate bureau notices of availability in the Federal Register for all draft, final and supplemental EISs. The time period for review in the bureau or office notice must be consistent with the time period for review in EPA's notice of availability. Four (4) copies of the EIS are required by EPA (one paper copy, three electronic). The EPA will not accept the EIS without the DOI control number.

- d. Concurrent with the filing of an EIS with EPA, bureaus and offices are to distribute the document to Federal agencies with jurisdiction by law or special expertise and to State and local agencies, including Indian Tribes, which are authorized to set and enforce related environmental standards, and to make it available to the public. Upon transmittal, the responsible official will promptly provide two (2) copies to the Department's Natural Resources Library (U.S. Department of the Interior Library, (Mail Stop: 1151), 1849 C Street NW, Washington, DC 20240, and three (3) copies (one (1) paper and two (2) CDs)) to OEPC. In addition, OEPC will be furnished a copy of the transmittal letter to EPA and the bureau or office Federal Register notice.
  - e. Circulation to Interior bureaus and offices will take place in accordance with ESM 11-3.
  - f. Circulation to other Federal and State agencies is guided by ESM 10-3 and ESM 10-14.
6. Procedures for Non-Delegated EISs
- a. Non-delegated EISs must be approved and filed with EPA by the AS/PMB. The AS/PMB has assigned this responsibility to OEPC.
  - b. Bureaus and offices are encouraged to consult early with OEPC in scheduling and preparing these documents to avoid delays in their approval. The OEPC is available for providing or interpreting guidance and reviewing preliminary drafts (or portions of drafts) at headquarters and, subject to the availability of resources, at OEPC's or bureau field offices. This advance consultation and coordination with OEPC will facilitate granting clearances to print documents with a minimum of formal correspondence and associated processing and mailing delays.
  - c. A clearance to print is OEPC's substantive approval of non-delegated EISs. It generally takes the form of a memorandum from the bureau or office to the Director, OEPC requesting a clearance to print. A concurrence line is provided at the bottom for the Director's signature. Once signed, OEPC will provide a fax transmission of the document so printing may commence. An example is shown in Attachment 1.
  - d. Where adequate and early consultation and coordination is not achieved with OEPC, bureaus and offices will transmit proposed EISs to OEPC for review and approval. This should be done concurrently with any bureau or office headquarters review. Bureaus and offices should allow at least 2 weeks for OEPC's review, comment, and approval. In such cases, bureaus and offices will also provide in their preparation schedules sufficient time to accommodate comments by OEPC.

- e. In order to file non-delegated EISs with EPA, bureaus and offices will forward, through their Assistant Secretary to OEPC:

- a transmittal letter (Attachment 2)
- a notice of availability (Attachment 3)
- a draft press release (if required by any Interior process), and
- four (4) copies of the EIS (one paper copy, three electronic).

The transmittal letter, upon signature by the Director of OEPC, is the official document signifying AS/PMB approval. After signature, a bureau or office may hand carry it and four (4) copies of the EIS to EPA and the notice of availability to the Federal Register if it so chooses; otherwise OEPC will mail them. The notice of availability must be in the form of three originals with the OEPC original signature and date on each.

- f. A DOI control number will also be obtained by the same method outlined in Part 5.a. and b. above.

g. Concurrent with the filing of an EIS with EPA, bureaus and offices are to distribute the document to Federal agencies with jurisdiction by law or special expertise and to State and local agencies, including Indian Tribes, which are authorized to set and enforce related environmental standards, and to make it available to the public. In addition, bureaus will provide two (2) copies to the Department's Natural Resources Library and three (3) copies (one (1) paper and two (2) CDs)) to OEPC for its distribution and files.

h. Circulation to Interior bureaus and offices will take place in accordance with ESM 11-3.

i. Circulation to other Federal and State agencies is guided by ESM 10-3 and ESM 10-14.

## 7. Numbers and Formats of EIS Copies

Please refer to Attachment 4 for a discussion of the numbers and formats of EIS copies that are needed by various recipients.

This memorandum replaces ESM 10-12.

Attachments

cc: DAS/P&IA

**ATTACHMENT 1 TO ESM 11-2**

To: Director, Office of Environmental Policy and Compliance  
Department of the Interior, MS 2462 MIB

From: *(Authorizing Officer for the EIS)*

Subject: Request for Approval to Print the Draft *(or Final)* Environmental Impact Statement  
for the ...

In accordance with Environmental Statement Memorandum ESM 11-2, we request clearance to print the subject draft *(or final)* environmental impact statement. Please document this approval by signing the "concur" line below and returning the signed memorandum to this office.

*(Any additional information may be given here.)*

The draft *(or final)* environmental impact statement for the ... is approved for printing.

Concur: \_\_\_\_\_  
Director, Office of Environmental  
Policy and Compliance

Date:

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Notes:

1. This attachment may be revised as necessary without revising the entire ESM.
2. This attachment is dated: February 5, 2011.

ATTACHMENT 2 TO ESM 11-2

U.S. Environmental Protection Agency  
Office of Federal Activities  
EIS Filing Section  
Mail Code 2252-A  
Ariel Rios Building (South Oval Lobby)  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Sir or Madam:

In compliance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and in accordance with 40 CFR 1506.9, we are enclosing four (4) copies of a (*draft/final*) environmental impact statement (EIS) for (*title of proposal*). This statement was prepared by the (*bureau/office*).

This EIS has been transmitted to all appropriate agencies, special interest groups, and the general public. The official responsible for the distribution of the EIS and knowledgeable of its content is (*name and phone number*).

Sincerely,

Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance

Enclosures

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Notes:

1. This attachment may be revised as necessary without revising the entire ESM.
2. This attachment is dated: February 5, 2011.
3. Please note that the address above may change and that hand deliveries may use a different address.
4. Refer to ESM 10-10 for instructions and the EPA web site to verify the current address.

ATTACHMENT 3 TO ESM 11-2

DEPARTMENT OF THE INTERIOR  
(BUREAU)

Notice of Availability of (*Draft/Final*) Environmental Impact Statement

AGENCY: (*Bureau/Office*), Department of the Interior

ACTION: Notice of availability of a (*draft/final*) environmental impact statement (EIS) for the proposed (*title*)

SUMMARY: (Cite the authority that authorizes your agency to issue your notice)

\*DATES: Comments will be accepted until (*date*)

\*ADDRESSES: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to (*office name and address*). You may also comment via the Internet to (*office Internet address*). Finally, you may hand-deliver comments to (*office street address*). See supplementary information section for information on submitting comments via the internet and the public disclosure of commenter's names and addresses.

FOR FURTHER INFORMATION CONTACT: (*office contact, address, phone number, e-mail*)

SUPPLEMENTAL INFORMATION: A limited number of individual copies of the EIS may be obtained from (*the above contact or wherever*). Copies are also available for inspection at the following locations:

\*\* A public (*hearing/meeting*) will be held on the proposal on (*dates and locations*).

(*Include any other pertinent information which will assist the public, including web sites.*)

\*\*Submitting Internet Comments

Please submit Internet comments (format such as, plain text file, MS Word, PDF, etc.) avoiding the use of special characters and any form of encryption. Please also include "Attn: (*any identifying names or codes*)" and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (*office contact and phone number*).

Public Disclosure of Names and Addresses:

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

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Willie R. Taylor  
Director, Office of Environmental Policy  
and Compliance

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Date

- \* Include only for a draft EIS
- \*\* Include if appropriate to this notice

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## ATTACHMENT 4 TO ESM 11-2

1. EPA filings will consist of four (4) copies (one paper and three electronic).
  2. Format of OEPC's three (3) copies.
    - A. If the EIS is published in paper only, OEPC must receive three (3) paper copies.
    - B. If the EIS is published in paper and CD-ROM only, OEPC must receive one (1) paper copy and two (2) CDs.
    - C. If the EIS is published in paper and Internet only, OEPC must receive three (3) paper copies and the exact Universal Resource Locator (URL) for the Internet site.
    - D. If the EIS is published in paper, CD-ROM, and Internet, OEPC must receive one (1) paper copy, two (2) CDs, and the exact URL.
  3. Disposition of OEPC's three (3) copies.
    - A. One (1) paper copy will remain in the official OEPC EIS file for ultimate storage in the National Archives. While in OEPC this copy may be checked out by Regional Environmental Officers and authorized bureau personnel and must be returned to OEPC.
    - B. If additional paper copies are available, one will remain in OEPC headquarters and one will be sent to the REO. Again, authorized bureau personnel may check out these copies for review and return to OEPC.
    - C. If two (2) CDs are available, one will remain in OEPC headquarters and one will be sent to the REO. These CDs may be checked out by REOs and authorized bureau personnel. However, the preferred action is to copy a new CD which can be forwarded to the REO or bureau with no return necessary.
    - D. If only paper and URL are available, OEPC's additional paper copies may be borrowed as noted above, but it is preferred that the user download the EIS from the URL and produce their own electronic or paper copy if needed.
  4. The Natural Resources Library's copies will consist of two (2) paper copies.
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